

MID SUSSEX DISTRICT COUNCIL

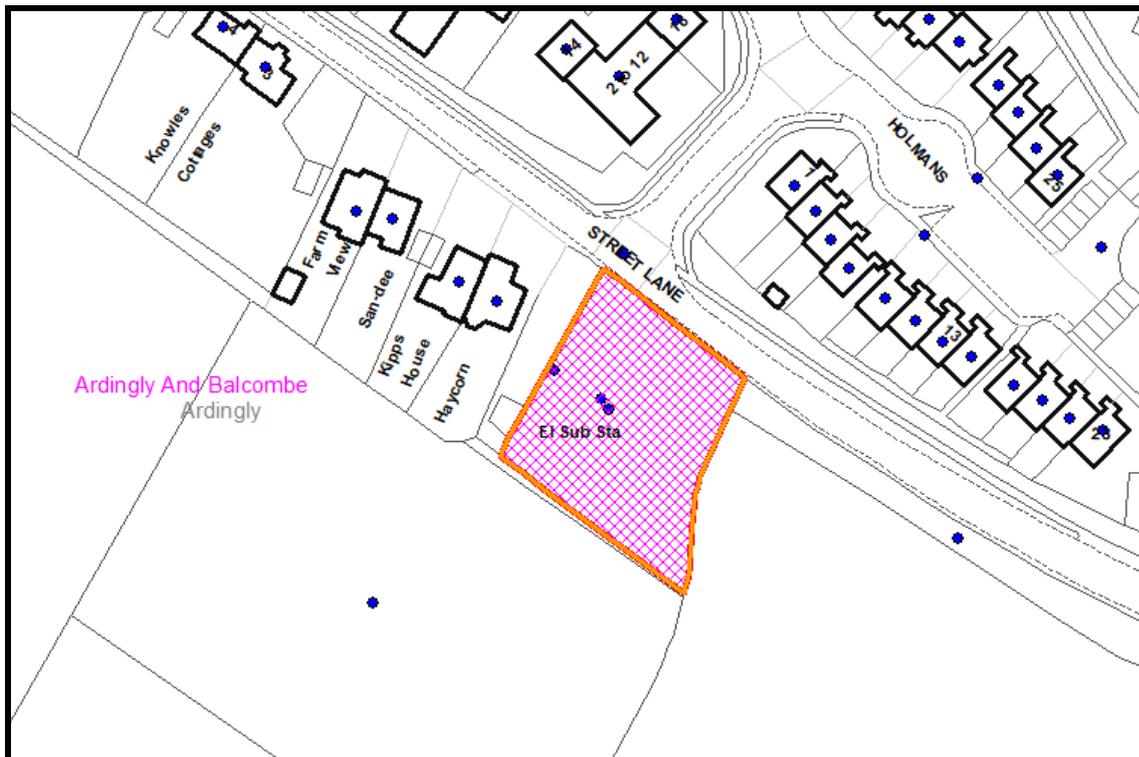
Planning Committee

8 APR 2021

RECOMMENDED FOR PERMISSION

Ardingly

DM/20/3382



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**LAND EAST OF HAYCORN STREET LANE ARDINGLY WEST SUSSEX
CONSTRUCTION OF TWO ATTACHED HOUSES TOGETHER WITH
ACCESS AND PARKING.
MR ANDREW WHITE**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Tree Preservation Order / Tree Preservation Order Points / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Minor Dwellings

8 WEEK DATE: 12th April 2021

WARD MEMBERS: Cllr Gary Marsh / Cllr Andrew MacNaughton /

CASE OFFICER: Andrew Watt

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Full planning permission is sought for the construction of 2 semi-detached houses, together with access and parking on land east of Haycorn, Street Lane, Ardingly.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In terms of the principle of development, the site is located outside the built-up area of Ardingly, albeit on the opposite side of the road. It does not comply with Policies DP6, DP12 or DP15 of the Mid Sussex District Plan, or with Policy ARD3 of the Neighbourhood Plan. In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Due to the lack of adverse impact on the AONB, the proposal does not conflict with Policy ARD2 of the Neighbourhood Plan. As an enclosed plot next to an electricity substation and a linear row of houses, which are semi-detached closest to the site, the proposal would not cause harm to the AONB landscape and the design and layout of the development would respect the surrounding built form. This assessment was made in part in securing the planning permission for 2 dwellings on this site in 2018, just 2 months before adoption of the District Plan but after the adoption of the Neighbourhood Plan. While this permission has lapsed (January 2021), it is considered that this remains a material consideration that weighs in favour of granting permission.

Also weighing in favour of the scheme is that the development will provide 2 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The proposal would also result in construction jobs over

the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage, sustainability, trees and biodiversity.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

A New Homes Bonus for the units proposed would be received.

It is considered that given the previous existence of a permission on the site and that the proposed development would not harm the landscape character of AONB, this along with other material considerations indicate that, in this instance, a decision can be made otherwise than in accordance with the development plan.

For the above reasons, and notwithstanding the conflict with the development plan, the proposal is deemed to comply with Policies DP16, DP17, DP21, DP26, DP27, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies ARD2, ARD4, ARD5 and ARD8 of the Ardingly Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

Recommendation A

It is recommended that, subject to the completion of a satisfactory S106 Legal Agreement and/or legal undertaking to secure the required level of SAMM and SANG contributions, planning permission be granted subject to the conditions set out in Appendix A.

Recommendation B

If by 8 July 2021, the applicants have not submitted a satisfactory signed S106 Legal Agreement and/or legal undertaking securing the necessary financial contributions, then it is recommended that planning permission be refused at the discretion of the Divisional Leader, Planning and Economy for the following reason:

'The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policy ARD4 of the Ardingly Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.'

SUMMARY OF REPRESENTATIONS

1 letter of objection:

- Do not believe that there is any need for further housing in Ardingly.
- Already several empty properties in Ardingly that cannot be sold or rented
- The area is classified as an AONB and we believe that no further houses should be constructed in Ardingly
- Parking provision inadequate
- Any parking in Street Lane would cause a major traffic problem, as this is an extremely narrow lane, making it impossible for two cars to pass each other
- We do not agree that there is no flood risk on the land proposed for this development. When it rains the field is flooded and is a total mud bath. When we have heavy rain, the water runs down Street Lane, from Knowles Farm, in a river
- The Ecological Appraisal Report is flawed as carried out in winter months and does not take into account all of the animal, bird and plant life
- Just because permission had been granted, we do not see that, now, six years later, permission should be granted once again

SUMMARY OF CONSULTEES

(Full responses from Consultees are included at the end of this report as Appendix B)

MSDC Consultant Ecologist

To be reported.

MSDC Drainage Engineer

No objection, subject to condition and legal agreement.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

No objection.

WSCC Highways

No objection, subject to conditions and informative.

Southern Water

Guidance provided on drainage matters.

TOWN / PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Full planning permission is sought for the construction of 2 semi-detached houses, together with access and parking on land east of Haycorn, Street Lane, Ardingly.

RELEVANT PLANNING HISTORY

In June 2017, planning permission was refused for the erection of 3 no. dwellings (2 no. 2-bed semi-detached and 1 no. 3-bed detached) on this site (DM/17/1943), for the following reasons:

- 1. The layout of the proposed development would result in the loss of, or future damage to, protected trees and would constitute an overdevelopment of the site as a result of modest plot sizes in relation to surrounding properties in this edge of settlement location, harmful to the rural character of the area and contrary to Policies B1 and B7 of the Mid Sussex Local Plan, Policies DP24 and DP36 of the draft Mid Sussex Local Plan and paragraphs 7, 14, 17, 56, 58 and 61 of the National Planning Policy Framework.*
- 2. The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2010, Policy DP15 of the draft Mid Sussex District Plan, Policy ARD4 of the Ardingly Neighbourhood Plan and paragraph 118 of the National Planning Policy Framework.*

In January 2018, planning permission was granted for a pair of semi-detached dwellings (1 x 2-bed and 1 x 3-bed), together with a shared access (DM/17/3659). This permission was not implemented and lapsed on 30 January.

In September 2020, planning permission was refused for the construction of a terrace of 3 x 3-bed dwellings, together with a shared access (DM/20/1011), for the following reasons:

- 1. The layout of the proposed scheme would constitute an overdevelopment of the site as a result of modest plot sizes in relation to surrounding properties in this edge of settlement location. This would be emphasised by the tandem parking in front of Plots 2 and 3 giving rise to an overdominance of car parking at the front of the development and by the need to provide access to the rear of Plot 2 reducing the plot sizes further. The asymmetric roof line and the projecting front elevation of the building would give rise to a prominent design that would fail to respect the adjoining semi-detached typology of the dwellings to the north-west, which like the site are outside the built-up area boundary of Ardingly. Accordingly, the development would have an urbanising effect by being cramped within this plot and thereby would be harmful to the rural character of the area, contrary to Policy DP26 of the Mid Sussex District Plan, Policy ARD5 of the*

Ardingly Neighbourhood Plan and paragraphs 124, 127 and 130 of the National Planning Policy Framework.

- 2. The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and therefore would be contrary to the Conservation of Habitats and Species Regulations 2017, Policy DP17 of the Mid Sussex District Plan, Policy ARD4 of the Ardingly Neighbourhood Plan and paragraph 175 of the National Planning Policy Framework.*

SITE AND SURROUNDINGS

The site is an undeveloped parcel of land, most recently an area of woodland but once allotments, now enclosed by mature vegetation screening and with a central access. Land levels slope gently down from north to south, by about 5m. In about 2016, most of the land was cleared of trees.

The site is located within the countryside and within the High Weald Area of Outstanding Natural Beauty. The site is subject to a Tree Preservation Order, covering 2 Limes to the front and Oak trees to the east and within. Land to the south and east are open fields, with the frontage to Street Lane being lined by protected trees. Land to the west is in residential use (semi-detached properties) with an electricity substation between. The built-up area boundary of Ardingly lies to the north, where there are a number of terraced dwellings at Holmans opposite.

APPLICATION DETAILS

Full planning permission is sought for the construction of 2 semi-detached houses, together with access and parking on land east of Haycorn, Street Lane, Ardingly. It is similar to lapsed planning permission DM/17/3659, with the following differences:

- Plot 1 (to the east) contains 4-bedrooms and Plot 2 (to the west) contains 3-bedrooms; previously this was 3-beds and 2-beds respectively
- The previous cut out / set back of the rear element in the SW corner of Plot 2 has been infilled and replaced with a projecting twin gable, allowing the formation of a third bedroom in Plot 2
- The additional bedroom in Plot 1 has been achieved through rearrangement of the internal floorspace
- New secondary windows to the eastern flank of Plot 1
- The internal drive has been pulled away from the front of the houses to allow a landscaped area to be formed and access easier to Plot 2
- Additional detailing to the front elevation, incorporating timber boarding elements and adjusting the entrance to Plot 2

The new access, sited centrally, will be shared to these properties with 2 car parking spaces to the both sides and the turning area and 1 visitor space in front. Each will benefit from refuse and bike stores to the side. The garden area to Plot 2 will be considerably smaller than to Plot 1, which is due to the presence of a centrally-positioned Oak tree, subject to a Tree Preservation Order. However, the positioning of the building remains identical to the previous consent, so the relationship with this tree remains the same.

The dwellings will be constructed with brick and tile hung elevations beneath Sussex hip tiled roofs. The maximum width will be approximately 13.7m, the maximum depth 12.4m and the maximum height 9.5m.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically, Section 70(2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- *The provisions of the development plan, so far as material to application,*
- *Any local finance considerations, so far as material to the application, and*
- *Any other material considerations.'*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan (2018) and the Ardingly Neighbourhood Plan (2014).

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP4: Housing
Policy DP6: Settlement Hierarchy
Policy DP12: Protection and Enhancement of Countryside
Policy DP15: New Homes in the Countryside
Policy DP16: High Weald Area of Outstanding Natural Beauty
Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP27: Dwelling Space Standards
Policy DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP39: Sustainable Design and Construction
Policy DP41: Flood Risk and Drainage

Ardingly Neighbourhood Plan (Nov 2014)

Mid Sussex District Council formally 'made' the Ardingly Neighbourhood Plan part of the Local Development Plan for the Parish of Ardingly as of 18 March 2015. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Ardingly.

Relevant policies:

Policy ARD2: A Spatial Plan for the Parish
Policy ARD3: Housing Supply and Site Allocation
Policy ARD4: Suitable Alternative Natural Greenspace
Policy ARD5: Housing Design
Policy ARD8: Biodiversity

Development Infrastructure and Contributions Supplementary Planning Document (Oct 2019)

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Relevant design principles include:

Principle DG5: Water features and sustainable drainage systems
Principle DG6: Design to enhance biodiversity

Principle DG19: Provision of off-street parking
Principle DG21: Consider and allow for servicing, refuse collection and deliveries
Principle DG24: Plan for cyclists
Principle DG27: Integrate tree planting and soft landscape
Principle DG31: Focus development in sustainable locations
Principle DG37: Deliver high quality buildings that minimise their environmental impact
Principle DG38: Design buildings with architectural integrity and a sense of place
Principle DG39: Deliver appropriately scaled buildings
Principle DG40: Design buildings that respond to and animate the street scene
Principle DG45: Privacy of existing and future residents
Principle DG46: Provide attractive and usable external amenity space for all homes
Principle DG47: Provide homes with sufficient daylight and sunlight

Waste Storage and Collection Guidance for New Developments (May 2015)

National Planning Policy Framework (NPPF) (Feb 2019)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is *'significantly boosting the supply of homes.'*

Paragraph 12 of the NPPF states: *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 38 of the NPPF states: *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking, paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

In addition, paragraphs 11 (presumption in favour of sustainable development), 54 and 55 (use of conditions), 80 (building a strong, competitive economy), 102 and 103

(promoting sustainable transport), 108 and 109 (highways matters), 124 and 127 (design), 148 (transition to low carbon future), 153 and 154 (sustainability), 155, 158, 159, 160, 161 and 163 (flood risk), 170 (enhancing the natural and local environment), 172 (Areas of Outstanding Natural Beauty), 175 (biodiversity and ancient woodland) and 177 (habitats sites) are considered to be relevant to this application.

National Planning Practice Guidance

National Design Guide

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024 (4th ed, Feb 2019)

This Plan has been prepared by the High Weald Joint Advisory Committee (including representatives from 15 local authorities, including Mid Sussex District Council) and sets out the long-term objectives for conserving this nationally important landscape.

High Weald Housing Design Guide (Nov 2019)

West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)

Air quality and emissions mitigation guidance for Sussex (Jan 2020)

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- The principle of development;
- Previous planning permission;
- The design and visual impact on the character of the area;
- Impact on the AONB;

- The impact on neighbouring amenity;
- Highways matters;
- Drainage;
- Sustainability;
- The impact on trees;
- Biodiversity;
- Habitats Regulations;
- Standard of accommodation;
- Accessibility;
- Other matters; and
- Planning Balance and Conclusion

Principle of development

Policy DP12 of the Mid Sussex District Plan states (in part):

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

The supporting text sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

The application site is located in designated countryside for which no special justification of the proposal exists and is therefore considered contrary to the first criterion of this policy. The second criterion is engaged by Policies DP6 and DP15 of the Mid Sussex District Plan and Policies ARD2 and ARD3 of the Neighbourhood Plan.

Policy DP6 of the Mid Sussex District Plan states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is

of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.

The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- *The site is contiguous with an existing built up area of the settlement; and*
- *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- *The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- *A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

The proposal is for fewer than 10 dwellings, and is located within a Category 3 settlement, i.e. 'Medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation and community facilities, often shared with neighbouring settlements'. It also maximises the amount of development on the site, in relation to the constraints of the Tree Preservation Orders. However, the site is not contiguous with the built-up area of Ardingly, which is on the opposite side of Street Lane. As such, this policy is not met.

Policy DP15 of the Mid Sussex District Plan allows for new dwellings in the countryside where special justification exists and where they would not be in conflict with Policy DP12. This covers agricultural workers' dwellings, exceptional design, rural exception sites, re-use of rural buildings and replacement dwellings. However, the proposed development does not engage any aspects of this policy.

Policy ARD2 of the Neighbourhood Plan states:

'The Neighbourhood Plan directs future housing, economic and community-related development within the parish to within the revised built -up area boundary shown on the Proposals Map of Ardingly village, to build and bolster its role as a resilient Parish community.

Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.

Development for essential infrastructure will be supported where it can be demonstrated that there are no alternative sites available and that the benefit outweighs any harm or loss.'

Assessment of how the proposed development impacts upon the AONB is made below, but in summary, there is no strong conflict with this policy.

Policy ARD3 of the Neighbourhood Plan states:

'The Neighbourhood Plan provides for the development of at least 37 homes in the period 1 April 2013 to 31 March 2031 through a combination of a site allocation and of windfall sites.

A site at Standgrove Field is allocated for up to 37 homes in the period 2013-2018, of which 30% will be two and three bedroom affordable homes with 50% of the affordable homes being subject to a local lettings policy in perpetuity that ensures their availability for people with a local affordable housing need and a connection with the Parish.

An appropriate and detailed landscaping scheme is to be included as a material part to this allocation to ensure that in time the development is able to blend appropriately into its surroundings.

The Neighbourhood Plan will support proposals for windfall development defined as schemes of 6 or fewer dwellings within the built up area boundary, provided:

- *the quantum of dwellings and their site coverage will not be an over-development of the plot in relation to neighbouring plot characteristics in respect of built form, massing and building line;*
- *a satisfactory road access and off street car parking can be achieved; and*
- *the scheme will not result in the loss of valuable trees, hedges or other natural features that form part of the character of the village*

All development proposals must demonstrate how they have taken into account the requirement to contribute to Suitable Alternative Natural Greenspace and a Strategic Access Management and Monitoring Strategy.'

The proposal does not comply with this policy, as it is neither an allocated site nor a windfall site within a built-up area.

Overall, Policy DP12 of the Mid Sussex District Plan has a restrictive approach to new housing in countryside locations, meaning that the proposed dwellings on this site conflict with the adopted spatial strategy of the District Plan. In contrast, Policy ARD2 of the Neighbourhood Plan has a slightly more permissive approach. It is important to take account of the legislation set out in Section 38(5) of the Planning and Compulsory Purchase Act 2004, that if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. It is clear that full weight should be given to Policy

DP12 of the District Plan, whereas only limited weight can be given to ARD2 in the Neighbourhood Plan in support of the application.

In summary, in relation to the principle of the application the proposal is contrary to the Development Plan, specifically Policies DP6, DP12 and DP15 of the Mid Sussex District Plan. In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Previous planning permission

As set out above, the site benefited from a previous planning permission for 2 dwellings, which was granted just 2 months before the adoption of the Mid Sussex District Plan, although lapsed in January this year. Whilst the NPPF has been updated since then, this permission was granted in accordance with the policies in the Ardingly Neighbourhood Plan and as a 'tilted balance', weighing up whether the proposal would result in any adverse impacts that would significantly and demonstrably outweigh the benefits of contributing to the housing supply in the District.

In carrying out this balancing exercise, substantial weight was given to boost significantly the supply of housing in a relatively sustainable location, against the fact that the dwellings were proposed outside the built-up area, which would normally be restricted under policies in force at the time. It was considered that the proposed development, in terms of its layout, scale and appearance, was in keeping with the character of the surrounding area and would not result in any significantly adverse impact on the wider countryside or AONB.

This scheme utilised the same access and provided a similar building on a very similar footprint, and is considered to be a material consideration of such importance as to outweigh the policy conflict set out above.

Design and visual impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*

- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy ARD5 of the Neighbourhood Plan states:

'The Neighbourhood Plan requires all developments, including alterations to existing buildings, to be sympathetic of the character and scale of surrounding buildings and landscape.'

The design of this scheme has been informed by the TPO constraints of the site and the previous planning permission. As such, it is considered that the layout of these dwellings allows the retention of the trees and would also be in character with the surrounding pattern of development. Adjacent to the west are semi-detached properties; and opposite to the north are terraced houses. The typology of the proposed houses would reflect that of the adjacent development, which is also located in the countryside so is deemed appropriate in this context. Whilst not a symmetrical design (which reflects the differing plot sizes (as a result of the Oak tree constraint)), the development will clearly read as a semi-detached dwelling with 2 doors to the front and car parking to either side of the building. Although set on lower ground than the adjacent property at Haycorn, the ridge height would be no higher but would be separated by the large gap, the electricity substation and the protected Lime trees to the front. The scale of the dwellings would therefore be acceptable. The traditional Sussex vernacular expressed with the first floor boarding and timber detailing would be appropriate to the AONB.

Overall, it is considered that the proposal would comply with Policy DP26 of the Mid Sussex District Plan, Policy ARD5 of the Ardingly Neighbourhood Plan, various design principles in the Design Guide SPD, including DG38 and DG39 in particular, and the High Weald Housing Design Guide.

Impact on the AONB

The site is located within the High Weald Area of Outstanding Natural Beauty.

Policy DP16 of the Mid Sussex District Plan states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

Paragraph 172 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

Given that the site is located within an enclosed parcel of land, it would be viewed in the context of the semi-detached houses to the west and the terraced houses to the

north. It would not be isolated in the landscape and would be located next to a road. For these reasons, it is not considered that the proposed development would detract from the visual quality of the Area of Outstanding Natural Beauty. Accordingly, the scheme would comply with Policy DP16 of the Mid Sussex District Plan, Policy ARD2 of the Ardingly Neighbourhood Plan and paragraph 172 of the NPPF.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

The main property affected by the proposal would be Haycorn to the east. There is 1 high level ground floor window and door and 1 high level first floor window on the side elevation facing the site and it is not considered, given the distance of 13.5m between the corners of both this property and proposed front corner of Plot 2, that this development would result in a harmful loss of amenity to these neighbouring occupiers, either in terms of being overbearing or resulting in overlooking.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Highways matters

Policy DP21 of the Mid Sussex District Plan states (in part):

'... Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*

- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

The Highway Authority has raised no objection to the application, in terms of the visibility splays, crossover, access, car parking provision, turning area or cycle parking storage, subject to several conditions, including electric vehicle charging points. Accordingly, the scheme would comply with Policy DP21 of the Mid Sussex District Plan.

Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

A sustainable drainage system will take surface water to the ditch on the eastern boundary with a restricted flow rate and storage provided under the shared drive. The proposal will connect to the adopted foul drainage system.

The council's Drainage Engineer has worked with the developer to avoid a pre-commencement drainage condition and hence a detailed drainage design has been submitted at this stage. Comments have been set out in full in Appendix B. In summary, the surface water drainage system includes attenuation in the form of below ground crate storage within the rear garden of Plot 1 and Southern Water approve the connection in principle to the main foul sewer on Fairfield Close. Accordingly, the council's Drainage Engineer is satisfied with this scheme, subject to condition and a legal agreement to ensure that both Plots 1 and 2 has a right to utilise the shared drainage system for the lifetime of the development. The proposal would thereby comply with Policy DP41 of the Mid Sussex District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*

- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

The scheme proposes high standards of energy efficiency, low energy lighting and water efficient cisterns and taps and very high levels of insulation. Construction waste will be recycled where possible.

The sustainability measures to accompany the scheme can be secured by condition to ensure compliance with Policies DP26 and DP39 of the Mid Sussex District Plan and paragraphs 153 and 154 of the NPPF.

Impact on trees

Policy DP37 of the Mid Sussex District Plan states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*

- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The council's Tree Officer has raised no objection to the proposal and hence, subject to a landscaping condition, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

The council's Tree Officer has raised no objection to the layout of the building and the plan showing the tree protection fencing. This is in relation to the Tree Preservation Orders on the site. Subject to compliance with the details set out in the Tree Report (secured by condition), it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Biodiversity

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*

- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

Policy ARD8 of the Neighbourhood Plan states:

'The Neighbourhood Plan will support proposals that protect and enhance the rich natural features that are a key component of the High Weald cultural landscape which provide habitats for Ardingly's diverse species populations. Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation will be supported. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm.'

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 175 states:

'When determining planning applications, local planning authorities should apply the following principles:

- *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination*

with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

An up-to-date Preliminary Ecological Appraisal was submitted as part of the most recent application. It recommends that a sensitive lighting scheme should be conditioned if there is a change in lighting and enhancements for Bats are made. Any works should avoid the bird nesting season (March-September inclusive). Precautionary methods of work are outlined to avoid harming individual Badgers that may use the site. If any boundary features are to be removed, this should be done sensitively by hand to avoid harming any Reptiles. If any Dormice nests are found, works must stop and Natural England consulted on how to proceed.

Whilst comments are awaited from the Council's Ecological consultant, he previously raised no objection to the scheme. Subject to compliance with a suitably worded condition, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Policy ARD8 of the Neighbourhood Plan, Chapter 15 of the NPPF (including paragraph 175) and the legislation outlined above.

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, and as detailed in the District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application is within the 7km zone of influence and generates a net increase of 2 dwellings, and as such, **mitigation is required.**

An appropriate scale of SAMM mitigation for the proposed development is £2,340, and if the approved scheme provides for a strategic SANG contribution, this would be £3,724.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG Strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at East Court & Ashplats Wood in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the 10-year Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions to SAMM and SANG will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ('Planning Obligation') and so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and state the following:

'With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased

recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.'

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

No mitigation is required in relation to the Ashdown Forest SAC.

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex

District Council as the competent authority may now determine the proposed development.

Standard of accommodation

Policy DP27 of the Mid Sussex District Plan states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

Plot 1 would contain 152 sq m of internal floorspace, exceeding the standard of 124 sq m for a 4-bed, 8-person unit and Plot 2 would contain 104 sq m, exceeding the standard of 93 sq m for a 3-bed, 5-person unit. Accordingly, the proposal would comply with the government's Technical Housing Standards - Nationally Described Space Standards document, so would constitute a high quality development and thereby comply with Policies DP26 and DP27 of the Mid Sussex District Plan.

Accessibility

Policy DP28 of the Mid Sussex District Plan states (in part):

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

It is considered that the resultant accommodation would provide a high standard of accessibility for the occupiers.

Other matters

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation or are not even material planning considerations.

CONCLUSION

Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. As the Council can demonstrate a 5 year supply of deliverable housing land the planning balance set out in the NPPF is an un-tilted one.

In terms of the principle of development, the site is located outside the built-up area of Ardingly, albeit on the opposite side of the road. It does not comply with Policies DP6, DP12 or DP15 of the Mid Sussex District Plan, or with Policy ARD3 of the Neighbourhood Plan. In accordance with the law it is necessary to have regard to other material considerations to ascertain whether or not a decision should be made otherwise than in accordance with the Plan.

Due to the lack of adverse impact on the AONB, the proposal does not conflict with Policy ARD2 of the Neighbourhood Plan. As an enclosed plot next to an electricity substation and a linear row of houses, which are semi-detached closest to the site, the proposal would not cause harm to the AONB landscape and the design and layout of the development would respect the surrounding built form. This assessment was made in part in securing the planning permission for 2 dwellings on this site in 2018, just 2 months before adoption of the District Plan but after the adoption of the Neighbourhood Plan. While this permission has lapsed (January 2021), it is considered that this remains a material consideration that weighs in favour of granting permission.

Also weighing in favour of the scheme is that the development will provide 2 additional residential units in a sustainable location at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

There will be a neutral impact in respect of a number of issues such as neighbouring amenity, highways, parking, drainage, sustainability, trees and biodiversity.

There will be no likely significant effect on the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

A New Homes Bonus for the units proposed would be received.

It is considered that given the previous existence of a permission on the site and that the proposed development would not harm the landscape character of AONB, this along with other material considerations indicate that, in this instance, a decision can be made otherwise than in accordance with the development plan.

For the above reasons, and notwithstanding the conflict with the development plan, the proposal is deemed to comply with Policies DP16, DP17, DP21, DP26, DP27, DP28, DP29, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, Policies ARD2, ARD4, ARD5 and ARD8 of the Ardingly Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The development shall be carried out in accordance with the details approved in application ref: DM/18/1915 regarding external materials and appearance, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan.

4. The development shall be implemented in accordance with the boundary treatment details approved in application DM/18/1915. No part of the development hereby permitted shall be occupied until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan.

5. The development shall be carried out in accordance with the details approved in application ref: DM/18/1915 regarding hard and soft landscaping, unless otherwise agreed in writing with the Local Planning Authority. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan.

6. The development shall be implemented in accordance with the site levels details approved in application DM/18/1915, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policy DP26 of the Mid Sussex District Plan.

7. The development shall be carried out in accordance with the details approved in application ref: DM/18/1915 regarding the site setup during construction, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the area and to comply with Policies DP21 and DP26 of the Mid Sussex District Plan.

Construction phase

8. No work for the implementation of the development hereby permitted shall be undertaken on the site on Sundays or Bank/Public Holidays or at any time other than between the hours 8am and 6pm on Mondays to Fridays and between 9am and 1pm Saturdays.

Reason: To safeguard the amenities of nearby residents and to accord with Policies DP26 and DP29 of the Mid Sussex District Plan.

Pre-occupation conditions

9. The foul and surface water drainage shall be implemented as per the details set out in:

- Engineering Layout. Drawing No. D1932-201 Rev A.
- Construction Details. Drawing Nos. D1932-251, 252, 253, 254, 255 and 256.
- Surface water drainage design summary and calculations. Bright Plan Civils, 13 January 2021.

Maintenance and management shall be as per the details set out in:

- Surface water drainage maintenance schedule. Bright Plan Civils, 12 January 2021.

In addition, a legal agreement shall be met to ensure both Plots 1 and 2 has a right to utilise the shared drainage system for the lifetime of the development. All these matters shall be carried out prior to first occupation of the development hereby permitted.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan.

10. The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with the approved site plan.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

11. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan.

12. No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

Reason: In the interests of road safety and to comply with Policy DP21 of the Mid Sussex District Plan.

13. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to comply with Policies DP21, DP26, DP29 and DP39 of the Mid Sussex District Plan.

14. No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. These facilities shall thereafter be retained for their designated use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan.

15. The refuse/recycling storage area shall be implemented in accordance with the approved plans and made available for use prior to the first occupation of the dwellings at all times thereafter.

Reason: In the interests of the amenities of the area, to comply with Policy DP26 of the Mid Sussex District Plan.

16. The development shall be carried out in accordance with the Sustainability Statement submitted as part of the application. On completion of the development, an independent final report shall be prepared and submitted to the Local Planning Authority to demonstrate that the proposals in the Statement have been implemented.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with the NPPF requirements and Policies DP26 and DP39 of the Mid Sussex District Plan.

Post-occupation monitoring / management conditions

17. The development hereby permitted shall be implemented in accordance with the mitigation measures identified in the submitted Preliminary Ecological Appraisal by The Ecology Partnership dated May 2020.

Reason: To ensure that the proposals avoid adverse impacts on protected and priority species and contribute to a net gain in biodiversity, in accordance with the NPPF requirements and Policy DP38 of the Mid Sussex District Plan.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. You are advised that this planning permission requires compliance with planning condition. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request).
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

5. The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence.

Please see the following link on details pertaining to the licence application process:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	A 01		07.09.2020
Proposed Site Plan	A 02		07.09.2020
Proposed Floor Plans	A 03		07.09.2020
Proposed Elevations	A 05		07.09.2020
Proposed Elevations	A 06		07.09.2020
Proposed Roof Plan	A 04		07.09.2020
Street Scene	A 07		07.09.2020
Survey			07.09.2020
Drainage Details	SK1		07.09.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

NO OBJECTION

MSDC Consultant Ecologist

To be reported.

MSDC Drainage Engineer

FLOOD RISK

The site is within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is not within an area identified as having possible surface water (pluvial) flood risk.

There are not any historic records of flooding occurring on this site and in this area. This does not mean that flooding has never occurred here, instead, that flooding has just never been reported.

SURFACE WATER DRAINAGE

It is understood that the developer wishes to avoid a pre-commencement drainage condition and a detailed drainage design has been submitted.

Ground investigation found ground conditions to be unsuitable for infiltration, and discharge to an adjacent watercourse has been proposed.

Greenfield QBar runoff rates have been calculated to be 0.84l/s. However, to ensure a self-cleansing system the drainage design restricts discharge rates to 2.5l/s. The Greenfield runoff rate for the 1 in 100-year event is 2.69l/s. We would normally require discharge rates to be restricted to the Greenfield QBar rate. However, in this instance and without setting a precedent, we accept the proposed 2.5l/s discharge rate from the site.

The surface water drainage system has been designed to cater for the 1 in 100-year storm event, with an additional 40% allowance for climate change. Attenuation is provided in the form of below ground crate storage within the rear garden of Plot 1.

We would usually require shared attenuation features to be located within shared open space. However, due to the topography of the site and the necessary falls to achieve a gravity fed system we are accepting of this approach. The maintenance and management plan, and property deeds must state that responsibility for the shared aspects of the drainage system is shared between the two properties. In addition, an easement (or equivalent) must be agreed between the two plots to ensure Plot 2 has continued access to the surface water drainage system for the lifetime of the development.

The surface water drainage design is, in this instance, considered acceptable.

FOUL WATER DRAINAGE

It is proposed that the development will connect foul water drainage to the main foul sewer at the junction with Fairfield Close. Use of mains sewer as means of managing foul water drainage is the preferred method where possible.

The applicant has provided evidence that Southern Water approve this connection in principle. Therefore, the proposed foul drainage design is considered acceptable.

SUGGESTED CONDITION

FOUL AND SURFACE WATER DRAINAGE

The foul and surface water drainage shall be implemented as per the details set out in;

- Engineering Layout. Drawing No. D1932-201 Rev A.
- Construction Details. Drawing Nos. D1932-251, 252, 253, 254, 255 and 256.
- Surface water drainage design summary and calculations. Bright Plan Civils, 13 January 2021.

Maintenance and management shall be as per the details set out in;

- Surface water drainage maintenance schedule. Bright Plan Civils, 12 January 2021.

In addition, a legal agreement shall be met to ensure both Plots 1 and 2 has a right to utilise the shared drainage system for the lifetime of the development.

MSDC Street Naming and Numbering Officer

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of

fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Planning applications requiring SNN informative

DM/20/3382

MSDC Tree Officer

I have reviewed the above documents and note the positioning of the previously consented properties.

Consequently, I do not object to the development on arboricultural grounds provided the protected measures outlined are fully adhered to throughout the development.

WSCC Highways

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Planning Services should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

Site Background

The proposal is for the construction of two houses (1 x 3 bedroom & 1 x 4 bedroom) with parking and formalised access.

The application site is located on Street Lane a publicly maintained, low trafficked, unclassified road subject to a 30-mph speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

Previously the Local Highways Authority (LHA) received consultation on matters at this location, under application DM/20/1011. The LHA raised no concerns over the proposal. However, the planning application was refused based on visual grounds and not on highway safety.

Access

An access point will serve the proposed dwellings and currently serves the existing land. No detrimental changes to the access are proposed. The applicant has provided visibility splays of 2 x 43 metres. However, these splays are not demonstrated at their full extent on the plans and have a reduced 2 metre set back distance. This given, the LHA wishes to state the following paragraph from MfS relating to reductions in the set back.

MfS 7.7.7 'A minimum figure of 2 m may be considered in some very lightly trafficked and slow-speed situations but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The consideration for the

ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.'

Given the nature of Street Lane as stated above, the LHA are mindful to accept such deviations.

WSCC, mapping demonstrates the access benefits from adequate visibility splays (2 x 43 metres) wholly within the public highway.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.

With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

Vehicle Parking, Cycle Parking and Turning

Under WSCC Car Parking Guidance (adopted August 2019), the LHA would expect that 8 parking spaces would be enough for a development of this size and location.

For the LHA and MfS to consider parking spaces towards the provision of a site they must first meet minimum requirements of:

- Single bay parking space or carport - 2.4 x 4.8 metres,
- Single garage space - 3 x 6 metres (Internally),
- Single parallel parking space - 2 metres (obstruction free i.e. fence) or 2.4 metres x 6,
- Disabled Bay parking - 2.4 x 4.8 metres with a 1.2 metre hatched area located to the side.
- Disabled Tandem parking - 2.4 x 6.6 metres

With the above guidance, the LHA provides the following comments.

The applicant proposes a parking provision of 5 spaces for the new dwelling(s).

These are in the arrangement of:

- 4 allocated tandem bay parking space(s),
- 1 visitor parking space,

The dimensions of the space(s) are:

- Tandem Bay Parking Spaces - Measures 3 x 10 metres,

For the LHA to consider bay parking spaces towards the parking provision of the site they must first measure 2.4 x 4.8 metres (as per MfS guidance). The applicant has demonstrated such. As a result, the LHA would consider the parking spaces to provide a provision of 4 spaces.

- Visitor Parallel Parking bay - Measures 2.4 x 6 metres,

For the LHA to consider each bay towards the parking provision, a parallel parking bay must meet MfS guidance of 2.4 x 6 metres (when the parking bay abuts a solid feature like a fence or wall). With this considered the LHA would anticipate that the parking area would provide 1 space.

From inspection of these findings the LHA provide the following comments.

The above findings show that under WSSC and MfS Guidance the development will provide 4 parking spaces + 1 visitor space towards the provision of the site. This is 3 visitor spaces below the minimum recommendation made by the PDC.

Experience has shown through other similar applications, that to substantiate that a shortfall of 3 visitor car parking spaces could result in an unacceptable highway safety issue would be difficult to uphold. Therefore, the LHA does not consider this a justification for refusal on highways grounds.

The LPA may wish to consider the amenity implications caused by a small increase in the on-street parking demand.

Cycle Parking

The applicant proposes cycle storage which conforms to the requirements set out by Manual for Streets (MfS) and WSSC guidance for covered, lockable storage.

Turning

The applicant has demonstrated a turn on site. The hardstanding area has been proposed to accommodate such a provision. This conforms to Manual for Streets (MfS) Guidance of a minimum of 6 metres to the rear of any parking space.

To summarise the LHA raises no concerns over the Parking or Turning.

Electric Vehicle (EV) Parking

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSSC Guidance on Parking at New Developments) and Mid Sussex Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition which is advised below.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions and informative:

Conditions

Access

The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with the approved site plan.

Reason: In the interests of road safety.

Parking

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall always thereafter be kept for their designated purpose.

Reason: To provide car-parking space for the use

Cycle Parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Turning

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall always thereafter be kept for their designated use.

Reason: In the interests of road safety

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Informative

Vehicle Crossover - Minor Highway Works

The Local Highways Authority (LHA) advises the applicant that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee the permission of a Vehicle Crossover (VCO) licence.

Please see the following link on details pertaining to the licence application process:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

Southern Water

Thank you for your letter dated 16/09/2020.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit: developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link:

www.southernwater.co.uk/developing-building/connection-charging-arrangements

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

www.water.org.uk/sewerage-sector-guidance-approved-documents/
www.ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk